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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,383	12/12/2001	Michael Wayne Brown	AUS920010830US1	2858

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/07/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,383

Applicant(s)

BROWN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 2/19/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 4-6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent 6,125,178).

Regarding claims 1 and 5, Walker et al. teach receiving a call at a call center (ACD 12) from a caller; placing the call on hold in a hold queue until a representative ("agent") is available (col. 3, lines 13-39); call centers provide callers, wherein in the callers would be knowledgeable in some areas such as travel, car insurance, etc., with incentive to allow other callers to listen in while the call is on hold waiting for the representative (col. 4, lines 6-13 and col. 6, lines 33-36). Applicant was advised during a telephone interview that claim 1 incorrectly implies that a caller will receive an incentive to have his/her call transferred to an expert agent within the call center. All callers would want to speak with an expert agent without any incentive.

Regarding claims 2 and 6, Walker et al. teach the expert **is at least** one from among a freelance expert, a group expert ("to access and search through pre-recorded calls **in the same subject area** or to participate in a chat room" - col. 4, lines 6-13), or an emergency group expert.

Regarding claims 4 and 8, Walker et al. teach the incentive comprises **at least one** from among an adjustment in position within the hold queue, a financial incentive, a rewards points incentive, or a time incentive (col. 6, lines 34-37).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 5. Furthermore, Walker et al. teach a recording medium (Fig. 3, 58).

Claim Rejections - 35 USC § 103

3. Claims 3, 7, 10, and 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent 6,125,178) in view of Rupe et al. (U.S. Pub No 2003/0031309).

Regarding claims 3 and 7, Walker et al. teach responsive to the caller selecting the incentive wherein in the callers would be expert from some areas such as travel, car insurance, etc. and remotely located from the call center, for allowing other callers to listen in while the call is on hold waiting for the representative (col. 6, lines 34-37); detecting the call at the top of the hold queue (col. 3, lines 34-39).

However, Walker et al. do not teach notifying the caller of an availability of the representative while the caller is connected to the expert.

Rupe et al. teach the ACD is configured such that detecting the call at the top of the hold queue (page 3 [0031]), monitoring the availability of agents at remote location and notifying the callers of an availability of the agent (page 1, [0011]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of notifying the caller of an availability of the representative, as taught by Rupe, in Walker's system in order to increase customer

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satisfaction and provide customer with a choice of whether or not to get connected with an expert and continue to monitor and notify the caller of the availability of the representative.

Claim 10 is rejected for the same reasons as discussed above with respect to claims 3 and 7. Furthermore, Walker et al. teach a recording medium (Fig. 3, 58).

Regarding claims 38, 41, and 44, Walker et al. teach the callers would be expert from some areas such as travel, car insurance, etc. and remotely located from the call center, are offering some incentive such as receiving a discount towards a future purchase for allowing other callers to listen in while the call is on hold waiting for the representative (col. 6, lines 34-37) reads on claimed "expert operates from a call system independent of said call center".

Regarding claims 39, 42, and 45, Walker et al. teach responsive to the caller selecting the incentive wherein in the callers would be expert from some areas such as travel, car insurance, etc. and remotely located from the call center, transfer the other callers to the call in progress for allowing other callers to listen in while the call is on hold waiting for the representative (col. 6, lines 34-37).

Regarding claims 40, 43, and 46, Rupe et al. teach a system for the call center 16 a voice response unit (VRU), the VRU include an interface for automatic speech recognition and interactive menus through which a caller may make selections, and based on the selections desired information may be located and retrieved from memory (page 2, [0019]). However, Rupe et al. do not specifically suggest authenticating an identity of the expert to make sure the identity of the expert matches a registered expert

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identity at the call center before completing a connection between the expert and the caller. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the VRU to also authenticate an identity of the expert through voice recognition before transferring the caller to the expert.

Response to Arguments

4. Applicant's arguments filed 2/19/04 have been fully considered but they are not persuasive. Applicant's arguments are addressed in the above claims rejection.

With respect to independent claims 1, 5, and 9, Applicant argues that Walker does not teach providing an incentive for a caller waiting at a call center to connect to an expert that is independent of the call center. Examiner respectfully submits that "an expert that is independent of the call center" is not recited in the independent claims. Applicant further clarifies that "the experts may be independent entities..." (Remarks page 11). The cited passage of Walker, col. 6, lines 34-37, teaches that call centers provide some callers, whom would be experts in some areas such as travel, car insurance, etc. and remotely located from the call center, with some incentive such as receiving a discount towards a future purchase for allowing other callers to listen in while the call is on hold waiting for the representative.

Applicant argues that "The "incentives" are specifically designated in a menu options provided to the user" are not recited in the claims.

Applicant amended claims 3, 7, and 10 and added new claims 38-46 that necessitated a new ground of rejection.

Conclusion

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn
Quynh H. Nguyen
April 29, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600